

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,) Case no. 3:08-CR-00082-LRH-VPC
Plaintiff,)
vs.) ORDER
ROBERT MARTIN HENNESSY,)
Defendant.)

Rene L. Valladares, Federal Public Defender, and Nisha Brooks-Whittington, Assistant Federal Public Defender, have filed a motion to withdraw (#141) as defendant's counsel of record. The court received and reviewed the reduction of sentence report on defendant prepared by Probation. The report concludes defendant is ineligible for a sentence reduction pursuant to U.S.C. § 3582(c)(2), Amendment 782, and pursuant to U.S.S.G. § 1B1.10, effective November 1, 2014, as he was sentenced as a Career Offender pursuant to U.S.S.G. § 4B1.1 and as such he is precluded from relief. Additionally, defendant received a downward variance from 188 months to 108 months as to Count Two: Distribution and Possession with Intent to Distribute a Controlled Substance, which resulted in a sentence below the range applicable based upon the finding of Career Offender.

The court appointed defendant counsel to determine whether he qualifies for a reduction of sentence. Based upon Probation's report, counsel does not intend to file a motion for a reduction. The court will therefore grant the motion to withdraw.

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1 Before being granted counsel, defendant filed a letter (#139) the court deemed to be a
2 motion seeking Discretionary Relief pursuant to 18 U.S.C. § 3582(c)(2). The court does not find
3 a response from the United States Attorney's office is necessary for a ruling on defendant's
4 motion. The defendant was sentenced as a Career Offender and is therefore not entitled to a
5 reduction.

6 Accordingly,

7 IT IS HEREBY ORDERED that defendant's motion to withdraw (#141) is **GRANTED**.

8 IT IS FURTHER ORDERED that defendant's motion seeking Discretionary Relief
9 pursuant to 18 U.S.C. § 3582(c)(2) (#139) is **DENIED**.

10 IT IS SO ORDERED.

11 DATED this 24th day of April, 2015.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

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